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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,023	03/09/2004	Byong-Mo Moon	8028-37	6717
22150	7590	05/13/2005	(SPX200303-0010US)	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER CUNNINGHAM, TERRY D	
			ART UNIT	PAPER NUMBER
			2816	
DATE MAILED: 05/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No. 10/799,023	Applicant(s) MOON ET AL.	
	Examiner Terry D. Cunningham	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 24-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-17, 20, 21 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 7-10, 18, 19, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Species A in the reply filed on 25 March 2005 is acknowledged. Applicant argues "The Examiner has not set forth any reasons pertaining to why the designated species are patentably distinct", then Applicant references M.P.E.P. § 816. However, this is not what this section is stating. Firstly, this section is in reference to Restriction Requirements, not Election Requirements. When making a Restriction Requirement it is necessary to show one-way or two-way distinctiveness between the related inventions. This distinctiveness (the test for restrictiveness) does not directly relate to patentable distinction. It is not required to show patentable distinctiveness to make a Restriction Requirement. Secondly, it is not required to make such a showing for an Election of Species, because they are species of the same invention. For an election of Species Requirement, all that is required is to identify the separate species. Then, in turn, if Applicant is of the belief that the inventions are not distinct, the reasons should be provided. Since Examiner has met the requirements for an Election of Species, the requirement is deemed proper.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-6, 11-17, 20, 21 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Messenger (USPAP 2002/0136065).

With respect to claims 1-6, Messenger discloses, in Fig. 3, a circuit comprising: “a comparing means (3)”; “a reference voltage (at node J)”; “a driving signal (output of 3)”; “an internal voltage driving means (Tr)”; “an internal voltage detecting means (R’1-R’3 and 4 less T4)”; “an active signal (Vcc)”; “a second driving signal (at gate of T4)”; and “an overdriving control means (T4), all connected and operating similarly as recited by Applicant.

With respect to claims 11-17, 20 and 21, Messenger discloses, in Fig. 3, a circuit comprising: “a first comparing means (3)”; “a reference voltage (at node J)”; “a driving signal (output of 3)”; “an internal voltage driving means (Tr)”; “a voltage dividing means (R’1-R’3)”; “an active signal (Vcc)”; “a second comparing means (4 less T4)”; “a second driving signal (at gate of T4)”; and “an overdriving control means (T4), all connected and operating similarly as recited by Applicant.

With respect to claims 32-34, clearly the above circuit to Messenger will provide the recited method.

Claims 7-10, 18, 19, 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terry Cunningham whose telephone number is 571-272-1742. The examiner can normally be reached on Monday-Thursday from 7:30 to 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TC
May 11, 2005


Terry D. Cunningham
Primary Examiner
Art Unit 2816